

ESTTA Tracking number: **ESTTA505675**

Filing date: **11/15/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	THERALAB - PRODUTOS FARMACEUTICOS E NUTRACEUTICOS, LDA		
Entity	Pessoa Juridica	Citizenship	Portugal
Address	Edificio Verde Queimadas-Sernada Viseu, P-3500-330 PORTUGAL		

Attorney information	Robyn Lederman BROOKS KUSHMAN P.C. 1000 Town Center Twenty-Second Floor Southfield, MI 48075 UNITED STATES rlederman@brookskushman.com, lsavage@brookskushman.com Phone:248.358.4400
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### Applicant Information

Application No	85448192	Publication date	10/16/2012
Opposition Filing Date	11/15/2012	Opposition Period Ends	11/15/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	L'Oreal 14, rue Royale Paris, 75008 FRANCE		

### Goods/Services Affected by Opposition

Class 003.

All goods and services in the class are opposed, namely: Perfume, eau de toilette; gels, salts for the bath and the shower not for medical purpose; toilet soaps, body deodorants; cosmetics, namely, creams, milks, lotions, gels and powders for the face, the body and the hands; non-medicated sun care preparations; makeup preparations; shampoos; gels, sprays, mousses and balms for hair styling and hair care; hair lacquers; hair colouring and hair decolorant preparations; permanent waving and curling preparations; essential oils for personal use

### Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration	4120104	Application Date	02/15/2011
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No.			
Registration Date	04/03/2012	Foreign Priority Date	NONE
Word Mark	IDEALINA		
Design Mark	<b>IDEALINA</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: Bleaching preparations for laundry use; cleaning, polishing, scouring, and abrasive preparations; soaps, perfumery, essential oils, cosmetics, hair lotions; dentifrices</p> <p>Class 005. First use: Pharmaceutical preparations, namely, appetite suppressants; sanitary preparations for medical use; dietetic foods or beverages adapted for medical use, food for babies; plasters for medical purposes, medical dressings; material for stopping teeth and dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides</p>		

Attachments	79095204#TMSN.jpeg ( 1 page )( bytes ) Not of Opp Nov2012.pdf ( 5 pages )(323953 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robyn Lederman/
Name	Robyn Lederman
Date	11/15/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application

Serial No. 85448192

Filed: October 14, 2011

Trademark: IDEALIA

Attorney Docket No. GCF 0103 OC

Published in the Official Gazette on October 16, 2012

THERALAB - PRODUTOS FARMACÊUTICOS )  
E NUTRACÊUTICOS, LDA, )

Opposer, )

v. )

L'Oreal, )

Applicant. )

Opposition No. \_\_\_\_\_

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**NOTICE OF OPPOSITION**

VIA ELECTRONIC FILING  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir:

THERALAB - PRODUTOS FARMACÊUTICOS E NUTRACÊUTICOS, LDA  
("Theralab"), a Pessoa Juridica entity organized and existing under the laws of Portugal, with a  
place of business at Edificio Verde, Queimadas-Sernada, P-3500-330, Viseu, Portugal, believes  
that it is and will continue to be damaged by Applicant's registration of the mark "IDEALIA" for

goods in International Class 3 as set forth in Application Serial No. 85448192, and hereby opposes the referenced application.

As grounds for opposition, Opposer alleges as follows:

1. On information and belief, Applicant, L'Oreal ("Applicant"), is seeking to register the mark "IDEALIA" in Application No. 85448192 as a trademark for "Perfume, eau de toilette; gels, salts for the bath and the shower not for medical purpose; toilet soaps, body deodorants; cosmetics, namely, creams, milks, lotions, gels and powders for the face, the body and the hands; non-medicated sun care preparations; makeup preparations; shampoos; gels, sprays, mousses and balms for hair styling and hair care; hair lacquers; hair colouring and hair decolorant preparations; permanent waving and curling preparations; essential oils for personal use" in International Class 3. This is evidenced by publication of the mark in the Official Gazette of October 16, 2012. This application was filed on October 14, 2011 on the basis of bona fide intent-to-use.

2. Opposer THERALAB develops, manufactures, and sells a range of natural care products including nutraceuticals, cosmetics, personal hygiene products, and pharmaceuticals.

3. THERALAB is the owner of U.S. Trademark Registration No. 4120104 for the mark "IDEALINA", covering "Bleaching preparations for laundry use; cleaning, polishing, scouring, and abrasive preparations; soaps, perfumery, essential oils, cosmetics, hair lotions; dentifrices" in International Class 3, and "Pharmaceutical preparations, namely, appetite suppressants; sanitary preparations for medical use; dietetic foods or beverages adapted for medical use, food for babies; plasters for medical purposes, medical dressings; material for stopping teeth and dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides" in International Class 5. This registration issued on April 3, 2012 on the

basis of a Request for Extension of Protection under the Madrid Protocol from International Registration No. 1071435, issued February 15, 2011, and is valid and subsisting, uncanceled and unrevoked.

4. THERALAB's ownership of U.S. Registration No. 4120104 for the mark IDEALINA is prima facie evidence of the validity of the registered mark and of the registration of the mark, of registrant's ownership of the mark, and of registrant's exclusive right to use the registered mark in commerce on or in connection with the goods specified in the certificate pursuant to 15 USC 1057(b).

5. THERALAB has an international presence and trademark registrations in multiple jurisdictions, including the USA, European Community, Portugal and Brazil, and has expended considerable effort and expense in protecting and promoting its "IDEALINA" mark and the goods associated therewith. THERALAB has and continues to establish valuable good will in its "IDEALINA" trademark.

6. There is no issue as to priority. Opposer owns prior rights in the mark "IDEALINA" in connection with its goods, long prior to Applicant's priority filing date of October 7, 2011, as claimed in Application S.N. 85448192.

7. The mark for which the Applicant seeks registration, namely "IDEALIA" is closely similar to THERALAB's "IDEALINA" mark in at least appearance, sound, and commercial impression, and Applicant's mark is designated for use on goods which are identical and/or highly similar or related to THERALAB's goods.

8. Since the mark and goods described in the application are closely related to Opposer's IDEALINA mark and goods, confusion and deception as to the origin of Applicant's

goods bearing the mark would occur, all to the damage and detriment of Opposer. Such use would cause confusion in the trade resulting in damage and injury to Opposer.

9. Applicant's use or registration of the mark "IDEALIA" in connection with its designated goods is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of the Applicant with THERALAB, or as to the origin, sponsorship or approval of the Applicant's goods by THERALAB.

10. If Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the "IDEALIA" mark in connection with the designated goods. Such registration would be a source of injury and damage to THERALAB.

WHEREFORE, the Opposer, THERALAB - PRODUTOS FARMACÊUTICOS E NUTRACÊUTICOS, LDA., prays that Application Serial No. 85448192 for the mark "IDEALIA" be rejected, denied and refused.

The fee required under 37 C.F.R. § 2.6(a)(17) is being paid electronically concurrently with the filing of this Notice of Opposition.

Respectfully submitted,

By /Robyn S. Lederman/  
Robyn S. Lederman  
Molly M. Crandall  
Attorneys/Agents for Applicant

Date: November 15, 2012

**BROOKS KUSHMAN P.C.**  
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**CERTIFICATE OF TRANSMITTAL**

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the following date:

Date: November 15, 2012

/Robyn S. Lederman/

**CERTIFICATE OF SERVICE**

I also certify that I served a copy of **NOTICE OF OPPOSITION** on November 15, 2012 via First Class Mail to:

ROBERT L. SHERMAN  
PAUL HASTINGS LLP  
75 E 55TH ST  
NEW YORK, NY 10022-3404

/Robyn S. Lederman/